

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MORRIS LEE LOVE, JR.,
Plaintiff,
v.
P. SHAFFER, et al.,
Defendants.

No. 1:21-cv-01380 NODJ GSA (PC)

FINDINGS AND RECOMMENDATIONS

ORDER RECOMMENDING DISMISSAL OF
MATTER FOR FAILURE TO PROSECUTE
AND FOR FAILURE TO OBEY COURT
ORDER

(ECF No. 22)

PLAINTIFF'S OBJECTIONS DUE
FEBRUARY 16, 2024

Plaintiff, a county jail inmate proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 29, 2023, the District Judge who was assigned to this matter at that time ordered Plaintiff to either file an amended complaint OR, notify the court that he wished to stand on the claims found cognizable by the undersigned in a screening order, and to do so within thirty days. ECF No. 22. The thirty-day period has now expired and Plaintiff has not filed an amended complaint or otherwise responded to the Court's order.

Although it appears from the file that Plaintiff's copy of the order was returned as

undeliverable on September 14, 2023, Plaintiff was properly served. As well, another order from the court was likewise returned on December 11, 2023, for the same reason. It is Plaintiff's responsibility to keep the Court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED without prejudice for failure to prosecute and for failure to obey a court order. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations – **by February 16, 2024**, – Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: **February 2, 2024**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE